

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-18 are pending in this case. Claims 10-18 are withdrawn. Claims 1, 10, and 18 are amended by the present amendment. Amended Claims 1, 10, and 18 are supported by the original disclosure,¹ and therefore add no new matter.

In the outstanding Office Action, Claims 1-4 and 9 were rejected under 35 U.S.C. §102(b) as anticipated by Fukunaga (U.S. Patent No. 5,819,646), or in the alternative under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Hobson et al. (U.S. Patent No. 5,744,241, hereinafter "Hobson"). Claims 5 and 6 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Suzuki et al. (U.S. Patent No. 4,796,046, hereinafter "Suzuki"). Claims 7 and 8 were rejected under 35 U.S.C. §103(a) as unpatentable over Fukunaga in view of Ream et al. (U.S. Patent No. 6,284,373, hereinafter "Ream").

With regard to the rejection of Claim 1 as anticipated by Fukunaga or as unpatentable over Fukunaga in view of Hobson, those rejections are respectfully traversed.

Amended independent Claim 1 recites:

an elastic layer including heat resistance rubber provided on a substrate; and
a separation layer including fluorocarbon resin provided on said elastic layer, said elastic layer consisting mainly of silicone rubber and/or fluorosilicone rubber free from organosilicone compounds having at least one hydrogen bonded to a silicon atom in one molecule,
wherein said fluorocarbon resin has a tensile strength such that a 30 μ m coating film baked at 340°C has a tensile strength equal to or greater than 25 MPa, and
the separation layer is baked on the elastic layer at a temperature lower than an oxidation starting temperature of the heat resistance rubber.

¹See, e.g., the specification at page 12, lines 1-13.

The outstanding Office Action alleged that “Fukunaga et al. teach a fixing device comprising a core, an elastic layer, and a fluorocarbon layer (column 2, lines 2-5).”²

However, Fukunaga relates to a fixing device including a thermal fixing roll and a pressing roll, which two rolls form a nip portion. The *pressing roll* includes a core, a sponge rubber layer, a rubbery elastic layer, and a fluorocarbon layer. Fukunaga attempts to increase the durability of the pressing roll.

On the other hand, Claim 1 defines a *fixing member* to be used in an image forming apparatus including a fixing device. Thus, various characteristics relating to the fixing of toner were examined by the inventors of the invention recited in Claim 1. Thus, the invention recited in Claim 1 differs from that described by Fukunaga. The *thermal fixing roll* of Claim 1 and the *pressing roll* of Fukunaga differ from each other in terms of the required characteristics and physical properties. The construction features for the pressing roll of Fukunaga cannot be directly applied to the fixing member recited in Claim 1. Consequently, neither Fukunaga nor Hobson teach or suggest the fixing member defined by Claim 1. Thus, Claim 1 (and Claims 2-9 dependent therefrom) is not anticipated by Fukunaga and is patentable over Fukunaga in view of Hobson.

With regard to the rejection of Claims 5 and 6 as unpatentable over Fukunaga in view of Suzuki, it is noted that Claims 5 and 6 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted that Suzuki does not cure any of the above-noted deficiencies of Fukunaga. Accordingly, it is respectfully submitted that Claims 5 and 6 are patentable over Fukunaga in view of Suzuki.

With regard to the rejection of Claims 7 and 8 as unpatentable over Fukunaga in view of Ream, it is noted that Claims 7 and 8 are dependent from Claim 1, and thus are believed to be patentable for at least the reasons discussed above. Further, it is respectfully submitted

²See the outstanding Office Action at page 2, lines 11-12.

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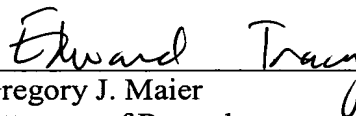
that Ream does not cure any of the above-noted deficiencies of Fukunaga. Accordingly, it is respectfully submitted that Claims 7 and 8 are patentable over Fukunaga in view of Ream.

With regard to withdrawn Claims 10-18, it is respectfully requested that these claims be rejoined and allowed in accordance with MPEP §821.04, as Claims 10 and 18 are amended to include the subject matter recited in Claim 1 which is believed to be allowable.

Accordingly, the pending claims and the present application are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

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